

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

LINA POSADA, <i>et al.</i> ,	*	
Plaintiffs,	*	
vs.	*	CASE NO. 4:22-CV-121 (CDL)
PARKER PROMOTIONS, INC. <i>et al.</i> ,	*	
Defendants.	*	

O R D E R

Plaintiffs are professional models who allege that Defendants used their images without permission to promote Defendants' strip club, Club Fetish. Plaintiffs brought this action under Section 43 of the Lanham Act, 15 U.S.C. § 1125, and Georgia law. Defendants Parker Promotions, Inc. and Nicholas Parker previously moved to dismiss the claims against them, and the Court granted their motion as to the state law claims but denied the motion as to the Lanham Act claims. *Posada v. Parker Promotions, Inc.*, No. 4:22-CV-121 (CDL), 2023 WL 3295172, at *4 (M.D. Ga. May 5, 2023). Now, the other two Defendants, Flame Investments, Inc. and Christine Sarkar ("Flame Defendants") seek to dismiss the claims against them. See Mot. Dismiss, ECF No. 26. In response to the motion to dismiss, Plaintiffs agreed to dismiss all their state law claims against the Flame Defendants. See Stipulation, ECF No. 28. The Court thus grants the Flame Defendants' motion to dismiss those claims.

The Flame Defendants did not explicitly withdraw their motion to dismiss the Lanham Act claims. Their argument—that the Lanham Act claims should be dismissed based on the equitable defense of estoppel by laches—is identical to the argument made by the other two defendants in their previous motion to dismiss. The Court rejected those arguments and concluded that the Complaint, taken as true as is required at the motion to dismiss stage, “does not establish that Plaintiffs unreasonably delayed bringing this action.” *Posada*, 2023 WL 3295172, at *1. The Flame Defendants did not offer any new argument or authority on this issue. So, for the reasons articulated in the previous order, the Court denies the Flame Defendants’ motion to dismiss the Lanham act claims.

IT IS SO ORDERED, this 17th day of November, 2023.

s/Clay D. Land

CLAY D. LAND

U.S. DISTRICT COURT JUDGE

MIDDLE DISTRICT OF GEORGIA